



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

18801-00788

First named inventor: Sean Phillips

Application No.: 10/536,575

Art Unit: 3611

Filed: May 26, 2005

Examiner: Boehler, Anne Marie

Title: FIFTH WHEEL HITCH

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Request for Continued Examination (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Stacy L. Emhoff
Signature

4/6/09
Date

Stacy L. Emhoff
Typed or printed name

62,824
Registration Number, if applicable

600 Superior Avenue, Suite 2100
Address

216-348-5774
Telephone Number

Cleveland, Ohio 44114
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Request for Continued Examination

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

April 6, 2009
Date

Jacqueline K Borzian
Signature
Jacqueline K Borzian
Typed or printed name of person signing certificate



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on April 6, 2009, with the United States Postal Service with sufficient postage at first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Jacqueline K. Bozjak
(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Sean Phillips et al. Group Art Unit: 3611
Serial No.: 10/536,575 Examiner: Boehler, Anne Marie
Filing Date: May 26, 2005 Docket No.: 18801-00788
Title: **FIFTH WHEEL HITCH**

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Dear Sirs:

The applicant of the above-referenced application hereby submits a petition to revive under 37 C.F.R. 1.137(b). Included with this Petition is a check for the petition fee under 37 C.F.R. 1.17(m).

The application was abandoned for failure to respond to the Final Office Action mailed July 8, 2008. Applicant submits herewith a Request for Continued Examination to the outstanding Final Office Action and a declaration stating that the entire delay in filing a response to the Final Office Action was unintentional. Specifically, neither Applicant nor counsel

received the Office Action dated July 8, 2008. Applicant's failure to file a timely Response to the Office Action dated July 8, 2008 was unintentional.

Applicant respectfully submits that each and every requirement set forth in 37 C.F.R. § 1.137(b) has been fulfilled. If any issues remain, the Examiner is encouraged to contact the undersigned. The Commissioner is authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 13-0265.

Date: 4/6/09

By: Stacy L. Embhoff
Stacy L. Embhoff
Reg. No. 62,824
McDonald, Hopkins LLC
600 Superior Avenue E., Suite # 2100
Cleveland, Ohio 44114-2653
(216) 348-5774